

### **REMARKS**

Upon entry of the present amendment, claims 1-13 are pending in the application. The amendment of claim 1 is supported by originally-filed claim 10 and by disclosure at page 3, lines 1-8, of the specification. Amended claim 2 is supported by disclosure at page 3, lines 22-23, of the specification. The amendment of claim 11 is supported by disclosure at page 14, lines 3-4, of the specification. Additional claim amendments were made to correct antecedent basis

No new matter has been added.

#### **I. Rejections under 35 U.S.C. § 102**

Claims 1-9 and 11-13 were rejected for anticipation by Smith (WO 98/19690). On page 3, lines 10-15, of the Office Action, the Examiner stated

Although Smith is silent about the “chondroprotective effect” of said composition, such characteristic or property must be inherently present in said composition. Especially, in view of the overlapping dosage range of the active ingredients (e.g., folic acid, folate derivatives, betain and vitamin B12) in a composition over the prior art range, such functional characteristic or property of said composition is deemed to be inherent to the composition. Therefore, the reference anticipates the claimed invention.

The claims have been amended to distinguish the claimed invention over Smith. Claim 1 was amended to require the compound to either 5-formimino-(6S)-tetrahydrofolic acid and 5-formimino-(6R,S)-tetrahydrofolic acid. Smith fails to describe these compounds; therefore, amended claim 1 is not anticipated by Smith. Claim 2 was amended to require that the ratio of a reduced folate compound and cobalamin is between 50:1 and 125:1. Smith fails to describe a ratio higher than 50:1; therefore, claims 2-9 are not anticipated by Smith. Claim 11 has been amended to require that the composition contains between 150 –1000 mg of a reduced folate. The highest amount of folic acid or folate described by Smith is 100 mg, and this reference fails to describe higher amounts. Therefore, claims 11-13 are not anticipated by this reference.

#### **II. Rejections under 35 U.S.C. § 103**

Claim 10 was rejected for obviousness over Smith. Claim 10 has been amended to depend from amended claim 2, which requires that the ratio of reduced folate to cobalamin is between 50:1 and 125:1. Smith fails to describe or suggest a ratio higher than 50:1. Therefore, this rejection should be withdrawn.

Applicants: Roubenoff et al.  
U.S.S.N. 10/202,634

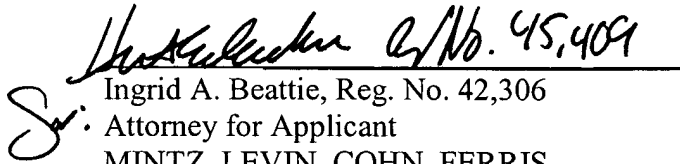
### CONCLUSION

Applicants submit that the application is in condition for allowance and such action is respectfully requested.

A petition for extension of time and a check in the amount of \$950.00 is enclosed to cover the petition fee for a three-month extension of time pursuant to 37 C.F.R. § 1.17(a)(3). The Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No.21629-004.

Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

  
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